



# Drugs & Alcohol Policy



# Drugs & Alcohol Policy

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Iarnród Éireann  
Irish Rail



## 1. CEO Statement

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I would like to first express my gratitude to our partners in the Trade Union Group for their collaboration with our Human Resources colleagues in updating this policy. It is always critical that any policy that could have a significant impact on people and their careers is developed, implemented, and communicated with the aim of fairness, ease of access and within the context of our safety culture.

Our Drugs and Alcohol policy, as amended, seeks to inform employees on their rights and responsibilities as it pertains to our legislative duties and responsibilities under the Railway Safety Act, 2005, and the Safety, Health and Welfare at Work Act, 2005. Within this revised policy you will find updated information on the duties of employees, what constitutes the illegal drugs we test for, the conditions under which a test will be required, how the testing system functions, and where to get information concerning legally prescribed or over the counter and prescription medications. Support services are available to all employees through the Employee Assistance Programme, Chemist-on-Call and the services of the Chief Medical Officer's Department.

Of all the policies applicable to working conditions and safety within the company, the Drugs & Alcohol Policy is perhaps the most equitable, insofar as it applies to everyone within the organisation without discrimination. The testing requirements and responsible conduct apply without prejudice to all within Iarnród Éireann. Testing for drugs and alcohol is a necessary part of our safety culture, helping to ensure that we operate a safe service and a safe workplace to the greatest extent possible to all employees within Iarnród Éireann and all other individuals engaged in any work activities on our Network.

**Jim Meade**  
**Chief Executive Officer**





## 2. Introduction

Iarnród Éireann (IÉ) is Ireland's largest public transport provider, employing more than 4,800 people. Our complex railway system is the backbone of public transport in Ireland, and therefore, it is our responsibility to ensure the safety of our employees, customers, contractors and all who use our network. These people trust us completely and it is our duty to uphold the highest standard of safety.

### Why do we have this policy?

Our customers, colleagues and contractors have an expectation to be 'Always Safe' when using or delivering our services. Our commitment to them is to do all that we can to meet this expectation by continually developing ourselves and our management systems to achieve excellence in health, safety, efficiency and quality of service. (IÉ Health & Safety Policy Statement).

This policy will identify the appropriate rules and will explain the processes for applying those rules. It takes account of our primary duty of care to all those affected by our operations and will also explain how the company will provide appropriate medical support and counselling to those of us who need help.

### Why do we carry out Drugs and Alcohol testing?

Iarnród Éireann carry out Drugs and Alcohol testing to comply with the requirements of the Railway Safety Act legislation 2005. The legislation defines the circumstances when testing is carried out which includes pre-employment, following safety critical incidents, for cause and random.



### 3. Drugs and Alcohol Policy

The aims of this policy are:

**To support the health and wellbeing of every IE employee. The company has supports in place to assist any employee who seeks assistance with their drug and/or alcohol use.**

**To prevent damage to, or the destruction of the company's assets and equipment, the property of customers, colleagues or visitors due to oversights, errors of judgement or other effects of the consumption of drugs or alcohol by our employees, contractors or consultants.**

**To ensure the safety of everyone who uses our network by preventing accidents and incidents involving customers, colleagues or visitors due to oversights, errors of judgment or other effects of the use of drugs or alcohol by our employees, contractors or consultants.**

**To ensure the company's approach to the management of Drugs and Alcohol issues is documented, promoted, and circulated to all applicable stakeholders.**

### 4. Scope of this Policy

#### Who does this policy apply to?

This policy is applicable to all individuals who are engaged in any work activities on the IE Network, including all IE employees (full-time and part-time) and all employees of contractors, agencies and consultants engaged by/with IE

including regulatory bodies. In addition, our Rule Book and health and safety legislation both prohibit persons from reporting for duty under the influence of drugs or alcohol.

## 5. Legal Requirements

**This policy is shaped by our legislative duties and responsibilities under the Railway Safety Act, 2005 and the Safety, Health and Welfare at Work Act, 2005.**

### Railway Safety Act, 2005

The Railway Safety Act 2005 defines some work-related activities as “safety critical”. Any persons carrying out such activities, whether an employee, contractor, sub-contractor or unpaid volunteer; is defined as safety critical and is subject to the provisions of the Act, including those relating to drugs and alcohol testing.

While the core role of some employees is not specifically defined as safety critical, there may be times when they are called upon to carry out safety critical activities at short notice and outside of their normal job. For example, all employees when travelling by train are required to make their services available to the train crew to assist in an emergency. Within the limits of our individual competencies, we could be called upon to carry out safety critical tasks at any time. The annual random testing plan includes all employees and contractors regardless of whether they are deemed safety critical or non-safety critical. As part of this annual plan the company randomly test at least 5% of safety-critical employees.

### Safety, Health and Welfare at Work Act, 2005

Management in the company have a duty of care to, as far as is reasonably practicable, ensure a safe place of work to prevent workplace injuries and ill-health. This includes having procedures to prevent any improper conduct or behaviour likely to put the safety, health and welfare of our employees and customers at risk. The Drugs and Alcohol testing procedures form a key part of the company’s management of risk.

As an employee, your duties at work include taking reasonable care to protect the health and safety of yourself and other people in the workplace and not to be under the influence of drink or drugs in the workplace.

### What are Safety Critical Duties?

#### Safety Critical Duties are defined in the Railway Safety Act 2005 as:

- Driving a train, or in any other way controlling or affecting the movement of a train. Controlling, affecting or managing, the movement of persons on a train, on a platform, across a level crossing, or, the boarding of, or alighting from, a train of persons.
- Working in a maintenance capacity (as identified below) or as a supervisor of, or look-out for, persons working in such capacity.
- A person who works during the operation of a railway undertaking in a maintenance capacity, if his or her work in the operation involves installation, repair, alteration or inspection of, railway infrastructure or trains, or involves coupling or uncoupling trains or performing a pre-departure examination of trains.

## 6. Principles and Objectives

**This policy has been developed and is underpinned by the following principles/actions:**

- Promoting the company values of Safe Place of Work and Always Safe.
- Applying a Just Culture – this policy is applicable to all employees, contractors or external agencies who engage in any work activities, both safety critical or non-safety critical on the IÉ network and locations.
- Advising our employees of the risks and consequences associated with substance abuse and making supports available through our Health and Wellbeing programme where necessary.
- Informing its employees of the requirements of this policy through regular briefings and reference to the policy in all relevant training courses.
- The consistent application of this policy to fulfil the company's legal obligations under the Railway Safety Act 2005 and the Safety, Health & Welfare at Work Act, 2005.
- When engaging in procurement processes IÉ will ensure its suppliers and contracted service providers are provided with this policy and notified of the mandatory requirement as part of their contract for their employees to be subject to random drugs and alcohol testing when required.
- Ensuring engagement and consultation with worker representative bodies to ensure the application of this policy in a manner that is just and fair to all.

**The objectives of the policy are:**

- To manage and minimise the risks associated with alcohol and drugs in the workplace.
- To have clear rules regarding alcohol and drugs in the workplace.
- To ensure the company complies with applicable legislation.
- To provide employees with information on the adverse health effects of alcohol and drugs.
- To provide support for employees experiencing alcohol and drug problems.
- To provide education, training and support to line managers to ensure they are equipped to support employees experiencing problems.



## 7. Policy Rules / Duties of Employees

This policy is shaped by our legislative duties and responsibilities under the Railway Safety Act, 2005 and the Safety, Health and Welfare at Work Act, 2005.

- All employees must familiarise themselves with this policy and fully comply with it at all times.
- Employees must cooperate fully with the company's drugs and alcohol testing procedures.
- This policy applies in conjunction with the rules outlined in Rule Book Section A, 1.2.
- Employees must not report for duty under the influence of, nor consume when on duty, alcohol, illegal drugs, or legal drugs, i.e. prescribed medication that impairs an employee's ability to perform their role.
- Employees must not be in the possession of illegal drugs while on duty and/or on company premises (including company vehicles).
- As per Section A of the Rule Book, employees must inform the company immediately in writing if they have been charged with a drink or drugs related criminal offence.
- Employees using prescribed, or over the counter drugs must inform themselves regarding the safety implications of taking such medication. This may be done by consultation with their General Practitioner, Chemist or Chemist-on-Call.



## 8. Awareness and Education

All employees will be required to attend induction, periodic refresher training and/or briefings regarding the existence of and compliance with our Drugs and Alcohol Policy. This policy is available to all employees at induction and on the company's Workvivo site.

The company recognise that substance misuse (which is the use of illegal drugs and the inappropriate use of legal drugs, including alcohol, medicines, and substances such as solvents), can affect any individual's ability to work safely.

The company will test for drugs that have the potential to impair a person's ability to work safely.

### What kind of drugs are we talking about?

Typically, they include but are not limited to the following:

- Cannabis
- Cocaine
- Methadone (EDDP)
- Opiates
- Amphetamines (e.g. Speed)
- Methamphetamines (e.g. Ecstasy)
- Benzodiazepines (e.g. Valium)
- Tramadol
- Ketamine

### What are the most common illegal substances detected in Drugs & Alcohol testing?

- Cannabis
- Cocaine
- Amphetamines
- Benzodiazepines
- Opiates

### What legal medications may be detected in Drugs & Alcohol Testing?

There are some legal medications (prescribed medication or over the counter) that may result in an unclear test. It is vital that all those being tested fully disclose details of any medications (which include herbal) that they are taking to the collection officer carrying out the testing.

### Examples of such legal medications are:

- Anti-depressants
- Cold, cough and flu remedies
- Hay fever remedies and other antihistamines (e.g. eye drops and inhalers)
- Pain killers
- Sleeping pills
- Tranquillisers/Sedatives
- Injections or local anaesthetics from a doctor/dentist/ hospital

## What about CBD Oils?

The using of CBD oils can result in a positive drug test result and therefore is a breach of this policy.

CBD oils are not licensed medicines and there are specific controls relating to their production, distribution and usage. They are formulated from cannabis and as such will be contaminated during the production process with THC (the main psychoactive chemical of the Cannabis plant). There is no monitoring of how much THC is contained in these oils. Any perceived therapeutic effects are either likely to be due to a placebo effect or because THC is present.

CBD oils should not be confused with Medicinal Cannabis which is licensed for specific conditions and has to be prescribed by a doctor. If someone requires Medicinal Cannabis it is very unlikely that they will be fit to work.

## Where can I find out information about drugs and alcohol?

Reliable information relating to drugs and alcohol is available on the following websites:

[www.drugs.ie](http://www.drugs.ie)

## Where can I find more information on the testing thresholds for drugs and alcohol?

The drug tests are conducted applying the thresholds detailed in the European Guidelines for Urine Testing in the Workplace document available at

<https://www.ewdts.org/ewdts-guidelines.html>

The threshold for alcohol is that specified in Section 97 (2) of the Railway Safety Act 2005.

## Where can I find out information about prescribed and over the counter medications?

Information relating to prescribed and over the counter medications are available from the following:

**Your General Practitioner**

**Pharmacist**

**Chemist-on-Call - T: 091-832999  
(Company Pin number 10010)**

**CIÉ Medical Department -  
T: 01-7031300 or 01-7031343**

## What about food sources?

There are some food sources including supplements that may result in an unclear test. The laboratory results will confirm food sources in unclear test samples.

However, all those being tested should declare to the collection officer if they have a concern relating to a food source.



## 9. Wellbeing and Support

The company is committed to promoting the health and wellbeing of all employees through the dedicated services of our Chief Medical Officer, Medical Department (including an addiction specialist), and Wellbeing Programme Manager. Information relating to the use of drugs and alcohol will be included as part of these initiatives.

### Voluntary Disclosure

Voluntarily disclosure is when an employee informs management that they have concerns regarding their own alcohol or drug consumption. The company will take any reasonable steps to assist an employee who voluntarily discloses an issue with drugs and/or alcohol. In this circumstance the employee will be immediately stood down from duty and referred for an appointment with the Chief Medical Officer.

The employee will remain under the care of their GP and the Chief Medical Officer until such time as they are deemed fit to return to work.

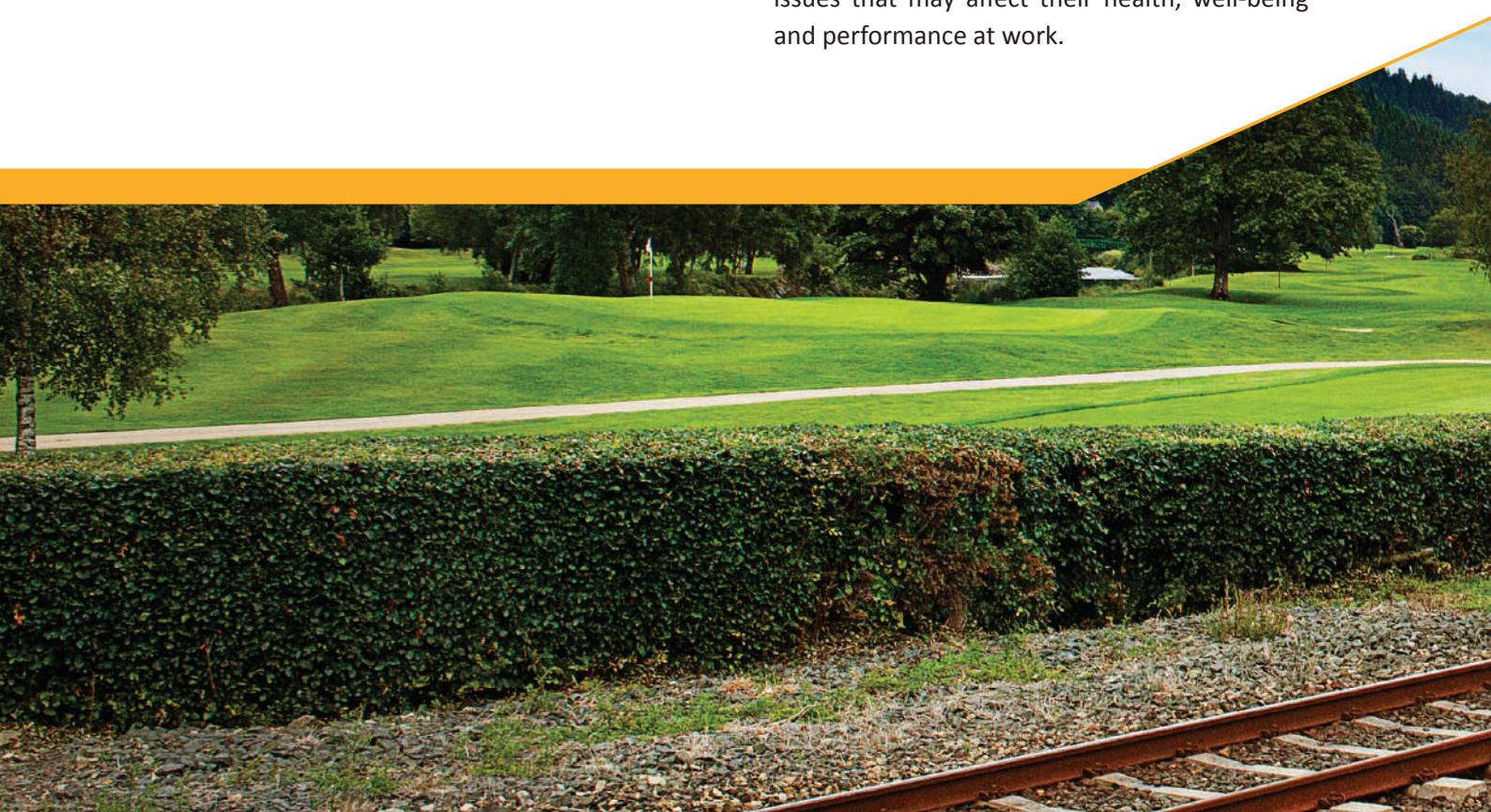
Employees are advised that voluntary disclosure **will not be accepted** immediately following the notification by the company of a random test, post incident test, or a mandatory medical.

### CIÉ Chief Medical Officer

The CIÉ Chief Medical Officer (CMO) is responsible for confirming that all employees are medically fit to carry out the duties of their role. The CMO is an occupational health expert and is the final decision maker relating to the medical fitness of employees. Staff also have access to an in-house Occupational Health Unit addiction counsellor who will accept self-referrals.

### Employee Assistance Programme (EAP)

The company is proud to provide a dedicated Employee Assistance Programme. The EAP is an anonymous service available to all employees who need advice, support or help with any issue in their professional or personal lives. The service is primarily for the provision of a confidential counselling service for our employees to help them resolve personal and/or work-related issues that may affect their health, well-being and performance at work.



## Chemist-on-call

Chemist On Call is a phone and web-based service that employees can use to receive specialist advice on the potential impact of legal medication (prescribed or over the counter) they are taking or intending to take. The Chemist on Call will advise an employee of the influence the medication may have on the person and the subsequent impact on their fitness for duty. The service is available to all employees and contractors.

If advised that any medication presents a potential issue for them carrying out their duties, then employees are required to inform their supervisor.

## Employee Assistance Programme

To access counselling services or to find out more phone or email Inspire Wellbeing using the details below:

**Free Phone: 1800 14 44 44**

**Email: workandstudy@inspirewellbeing.ie**

**Website: <https://www.inspiresupporthub.org>**

**PIN: IRISHRAIL**

If you have any difficulties, queries or feedback please contact the larnróid Éireann Health & Wellbeing Team: [wellbeing@irishrail.ie](mailto:wellbeing@irishrail.ie)

## Chemist on Call

For special advice on the potential impact of medications

**Lo-call: 0918 32 999**

**Website: <https://app.chemist-on-call.com>**



## 10. Implementation of the Policy

### Drug and Alcohol Testing

#### Who can be tested?

- All IÉ employees, regardless of the nature of their role.
- All contractors directly engaged in any capacity by IÉ.
- All employees or contracted personnel of regulatory bodies in all IÉ locations.

#### Who carries out the test?

- The testing is carried out either by an approved testing provider under contract with IÉ or by the CMO Department.
- Normally testing will be required by and arranged by the company but there may be occasions following incidents when An Garda Síochána require to test employees.

#### What does the test involve?

- You will be required to provide a sample of urine and breath to an approved testing provider, and these samples will be tested for drugs (urine test) and alcohol (breath test).
- The tests are conducted following the European Guidelines for Urine Testing in the Workplace.
- You will be asked to disclose if you are taking any legal medication (prescribed or over the counter).

#### Chain of Custody

- Chain of custody is a robust system of controls and procedures that document the progress of a specimen from the point of collection through the laboratory to its disposal after the results have been accepted. These procedures are applied to ensure that all urine samples are tested in a secure and confidential manner.



## Drug & Alcohol Testing Thresholds

The test results are confirmed as per the drug threshold levels detailed in the European Guidelines for Urine Testing in the Workplace. These thresholds for drugs are set at levels where there is no legitimate medical reason for such levels showing in the test result.

The threshold for alcohol is that specified in the Railway Safety Act 2005.

## Circumstances in which Drugs & Alcohol testing is carried out

Medical Appointments (employees are considered to be on duty at medical appointments)

- All pre-employment medicals.
- All mandatory medicals.
- Any other medical appointments if required

## Random unannounced testing

- The company is required to randomly test a minimum of 5% of safety critical employees annually. This requirement is mandated and monitored by the Commission for Railway Regulation (CRR). Random unannounced testing may take place at any company location. If you are selected for random testing you will not be given any advance warning.

## 'For cause' testing

- For cause Drugs and alcohol tests are conducted in the event of an employee or contractor appearing to be under the influence of drugs or alcohol or in the event of them behaving in an unusual or suspicious manner.

## Post-incident testing

- Post-incident testing provides an opportunity for the company and employees to confirm that alcohol and drugs played no part in causing the accident or incident.
- This testing may occur for any employees and contractors that are involved in accidents or incidents.

## Test Results

Negative (clear) test results are known immediately, and the donor is informed immediately.

If a test shows a positive reading for alcohol a second test is performed by the Collection Officer to verify the first test result. The donor will be given a printed copy of the test result and a copy of the chain of custody form. The site contact is informed of the result.

If a test shows as unclear for drugs (also referred to as a "presumptive positive") for drugs the donor is requested to provide details of any medications used over the previous 14 days and this is noted on the Specimen Collection Form. The sample is then sent for laboratory analysis.

## How long test results take?

- In normal circumstances the full laboratory results will be confirmed within 5 days.
- All laboratory results are reviewed by the Chief Medical Officer.

## Positive Indication on Test - what happens next?

If a test shows as unclear the company are required to temporarily stand an employee down from duty. This is done as a precaution to allow for full laboratory results to be confirmed. When an employee is temporarily stood down from duty, they will be paid their contract rate of pay pending the final test result. In normal circumstances the test result will be confirmed in 5 days.

In the case of an employee of contractors, agencies and consultants having an unclear test, their employer is immediately informed and they are temporarily stood down from working with Iarnród Éireann pending the final test result.

## Confirmed Positive Test - what happens next?

Laboratory results are confirmed to the CMO. The CMO informs the employee (in person) and Human Resources. If a test is confirmed as positive for illegal substances and/or alcohol the employee will be suspended from duty and the company will initiate disciplinary procedures under the agreed Grievance, Disciplinary Policies and Procedures. As per these procedures Employees will be paid contract rates of pay pending the outcome of the disciplinary process.

## Positive Test Result or Failure to cooperate with the Drugs & Alcohol testing process - what happens next?

### Disciplinary Procedures

While rehabilitation of the employee is a primary concern of the organisation, we all have a duty of care to each other and to the public to reduce the potential risk caused by the presence of alcohol or drugs in the railway operating environment.

If a Drugs and Alcohol test is confirmed as positive for illegal substances the company will initiate Disciplinary Procedures. The company considers it a reckless violation of company safety rules and to be at the high end of breaches of discipline.

All employees are advised that in cases where an employee fails a Drugs & Alcohol test for an illegal substance a sanction of dismissal may apply.

## Failure to Disclose Legal Medication

Many legal medications may impair work performance. Please note if you fail to disclose to your supervisor/manager or the CMO that you are taking legal medication that may impact on your ability to safely undertake your duties. An example of this may be the taking of medication that was prescribed to someone else. Depending on the circumstances you may be subject to the company's disciplinary procedures.

## You will be subject to the company's disciplinary procedures if you:

- 1. Test positive for illegal drugs.**
- 2. Test positive for alcohol.**
- 3. Refuse to take an alcohol or drugs test when required to (this includes delaying taking part in testing for any reason).**
- 4. Leave or fail to return to a work site following an instruction to take part in testing.**
- 5. Are in possession of illegal drugs while on duty or on company premises (including company vehicles).**
- 6. Decline to take part in, or fail to complete, a course of treatment prescribed by the CIÉ Chief Medical Officer.**

## Can the test result be challenged?

Anybody that is tested has the right to challenge a positive test result. The testing laboratory will keep all positive drug samples for one year in case an employee requests an independent analysis. This is done by requesting a sample of their positive drug test and having it sent for independent analysis by an alternative testing provider. This test is carried out at the individual's own expense, and they can choose the laboratory that carries out the test. In line with chain of custody rules the sample is not returned to you.



## 11. Review of the Policy

The Director Human Resources will review and update this policy in consultation with the company's Executive Group and the Trade Union Group.

### Appendix 1 - Random Unannounced Testing - On Site Selection Protocol

The company are required to test at least 5% of safety critical employees annually. This requirement is based on the total safety critical employees across the company and, as such, **is not** applicable to each individual location/group when selection for random unannounced testing is taking place.

At the location of any given random unannounced drugs & alcohol test process the Collection Officer will use one of the selection criteria listed below. In no particular order of preference these include:

1. Collection Officer's list is cross-checked with local manager/supervisor (site contact) on duty at the location to verify the number of people present. Numbers are placed beside each person present on agreed list. Numbers are then "drawn from hat" on a random basis (usually using a random number generator app). Where possible, the draw may be witnessed with line managers/supervisors/staff representatives/staff members afforded the opportunity to select numbers from 'the hat'.
2. Collection Officer arrives at randomly selected location and agrees a methodology for randomly selecting people as they book on for duty. For example, every second person, or, first, third & fifth person, or, every fifth person, and so on.

3. In cases where random unannounced test processes are taking place at manually operated Level-Crossings, the person on duty at the time of the test will be selected. In such cases, relief from specific duties will be provided by an additional competent person. (For example, a Station Manager or a DTE).

In exceptional cases, where the number of random unannounced tests that the Collection Officer wishes to conduct either exceeds or is equivalent to the number of persons on duty at the time that particular location the following process should be applied:

50% of the number of persons present should be tested using selection methodology outlined in sections 1,2 & 3 above.

- In cases where there are less than five people present, the number to be tested should be rounded up. (2 tests from 3 present, 3 tests from 5 present).
- In cases where there are more than five people present, the number to be tested will be rounded down. (3 tests from 7 present, 4 tests from 9 present).







# Drugs & Alcohol Policy



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